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BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

WILLIAM J. CRAVEN and LAURA)
CRAVEN,)
)
Petitioner,)
)
vs.)
)
JACKSON COUNTY,)
)
Respondent,)
)
and)
)
KENNETH W. GODDARD, STEVEN C.)
DIERKS, MARTHA V. YOUNG,)
WILLIAM C. YOUNG, SHARON A.)
HULL, GERALD G. GARLAND and)
WILMA SCHEID,)
)
Intervenors-Respondent.)

LUBA No. 97-184

FINAL OPINION
AND ORDER

(MEMORANDUM OPINION)
ORS 197.835(16)

Appeal from Jackson County.

Richard H. Berman, Medford, filed the petition for review and argued on behalf of petitioner. With him on the brief was Blackhurst, Hornecker, Hassen & Ervin B. Hogan.

No appearance by Jackson County.

Michael A. Holstun, Portland, file the response brief and argued on behalf on intervenors-respondent.

GUSTAFSON, Board Chair; HANNA, Board Member, participated in the decision.

AFFIRMED 04/30/1998

You are entitled to judicial review of this Order. Judicial review is governed by the provisions of ORS 197.850.

1 Per curiam.

2 **DISCUSSION**

3 Petitioner appeals the county's denial of his application
4 for two nonfarm dwellings on adjacent five-acre parcels zoned
5 EFU. The county denied the application because petitioner had
6 not demonstrated that the five-acre parcels had been lawfully
7 created as separate lots or parcels. In a separate proceeding
8 in 1997, county planning staff had approved a property-line
9 adjustment that created the two five-acre parcels out of a
10 larger parcel.

11 The county's 1997 approval of the property-line
12 adjustment creating the five-acre parcels is the subject of a
13 separate appeal to LUBA. In Goddard v. Jackson County, ___ Or
14 LUBA ___ (LUBA No. 97-147/148/164), issued this date, we
15 concluded that the county erred in approving the creation of
16 the five-acre parcels by means of a property-line adjustment.
17 The consequence of our decision in Goddard is that the
18 county's decision at issue in this appeal was correct: the
19 five-acre parcels were not lawfully created. It follows that
20 petitioner can establish no basis in the present appeal for
21 remand or reversal of the county's decision.

22 The county's decision is affirmed.